

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 2, 2008

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (284-2008)

Motion by Councilor T. Peters, seconded by Councilor Dube:

To dispense with the reading of the minutes of the meeting of October 7, 2008 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE ANIMAL ORDINANCE REGARDING PROHIBITING DOGS IN PLAYGROUNDS AND ATHLETIC FIELDS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (285-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

That the proposed amendments to the City Code of Ordinances, Chapter 14 "Animals", Article IX "Public Lands, Parks and Playgrounds: Control or Prohibition of Domestic Animals", Sections 14-38 and 14-39 receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE PARKS AND RECREATION ORDINANCE CONCERNING SMOKING IN PLAYGROUND AREAS AND ATHLETIC FIELDS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Theriault suggested referring this matter to the new L/A Public Health Committee for their review and input regarding the proposed changes. He suggested they offer their thoughts on prohibiting smoking at all city parks, playgrounds and athletic fields. He pointed out the state already understands that second hand smoke near children is a health issue, noting the new state law banning smoking in vehicles with young children. Councilor T. Peters questioned why the Council would create extra work for the committee, noting it can be assumed that their

recommendation would be a positive one. Councilor Theriault said their recommendation would send a clear message in support of a healthy community and their role is to advise the Council on such matters.

VOTE (286-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To refer the motion to the Lewiston-Auburn Health Committee for review and recommendation on the “No Smoking” provisions provided in this motion and further request a recommendation if this motion should be altered to ban all smoking in public parks, playground areas and athletic fields in order to promote good health, quality of life and cleanliness at these sites.

Passed - Vote 4-3 (Councilors N. Peters, Poulin and Bailey opposed)

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR
ENTERTAINMENT CONCERT**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (287-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To conduct a public hearing on an application for an outdoor music concert to be held at Judge Armand A. Dufresne, Jr. Plaza on December 3, 2008 between 6 pm-8:30 pm, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Downtown Holiday Celebration Committee for an outdoor music concert. Passed - Vote 6-1 (Councilor N. Peters opposed)

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENT
CONCERNING TEMPORARY HOUSING**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (288-2008)

Motion by Councilor T. Peters, seconded by Councilor Reed:

That the proposed amendment to Appendix A, Article V “Administration and Enforcement”, Section 3, “General Provisions” of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE TRAFFIC AND VEHICLES ORDINANCE REGARDING PARKING PROHIBITED

Councilor Reed noted that he requested this item since residents in the downtown area who need to pay for parking need to pay rent by the month, so having the cut off be March 31 instead of April 1 will help. Mayor Gilbert opened the public hearing to receive citizen input and comment. Brian Banton of 27 Spruce Street said he was looking for more substantive action on this issue rather than just changing the date. He said that he and many residents of downtown do not understand the City's winter parking policies and feels they seem to conflict. He noted it is a bother to have to move his vehicle every night and suggested there must be better methods for winter parking. Mr. Banton said the current policy gives the city six hours each night to clean the streets which should be an ample timeframe. He said the city's winter parking policy makes car ownership in the downtown difficult and does not work for people. He suggested changing to the models of Portland and Bangor. Mayor Gilbert then closed the hearing.

The Mayor noted when he was a police officer, the city used to tow hundreds of vehicles in a storm and now with the current policy they only tow 10-15 cars per storm, so he said the current program works very well and serves as a model for other cities to follow. Mr. Bennett said he provided the Council with information regarding the parking policy and he would make it available to Mr. Banton. He stated it takes the Public Works crews twelve hours to plow per storm and for clean up and snow bank removal after the storm, it takes one to two weeks of work at night to get it done. He noted the city cannot implement the Portland model since there are only four to six tow trucks in the Lewiston area and there is no place to take the cars, unlike Portland. A resident inquired about putting towed cars in a school parking lot, but it was noted residents in the downtown would then need to find transportation to the school to get their cars, plus the school lots need to be plowed.

Mr. Bennett reviewed the Police Department's current practice of alerting car owners before they are towed - run license checks, phone call, use public address systems, run blue lights and so forth. Councilor Reed noted they also place notification cards on car windshields at the beginning of winter to inform the owner of the process.

VOTE (289-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

That the proposed amendments to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Article IV "Stopping, Standing and Parking", Sections 70-154, 70-155, 70-158 and 70-167, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE STREETS AND SIDEWALKS ORDINANCE REGARDING SNOW ON PUBLIC SIDEWALKS, WALKWAYS AND STREETS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Mr. Bennett

outlined the proposed changes in this ordinance, saying people should not pile snow on sidewalks during a storm or before the city plow has come through making it impossible for the city unit to get through. People should also not pile snow on the sidewalks after the area has been cleared by the City. Councilor T. Peters questioned about different scenarios such as snow falling from an awning or overhang when it was not intentional but happens. It was noted that proper discretion and good common sense will be used when applying the ordinance.

Councilor Poulin made a motion to postpone this matter to the next meeting but there wasn't a second to his motion. Mr. Bennett noted the current ordinance allows the city to cite every property owner who does not clear their sidewalks and these changes take away the burden from the property owners. Councilor T. Peters said he supports the intent of the ordinance and wants to make sure that it can be enforced fairly and that the public understands the ordinance. Councilor Reed shared an example about a resident who plows his driveway but pushes the snow into the street and across the street, noting these changes will help deter this action.

VOTE (290-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article I "General", Section 66-12 "Removal of unlawful deposits of snow and/or ice from public sidewalks, public walkways, public streets and public easements", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 6-1 (Councilor Poulin opposed)

SIDEWALK PLOW ROUTES

Public Works Director Paul Boudreau reviewed the current list of sidewalks that are plowed by the city. Councilor Poulin requested adding the left side of East Avenue from Pleasant Street to Webster Street to the list. Councilor Bailey suggested adding the corner of Birch Street and Knox Street since this area serves as a bus stop and kids need to wait in the street. Mr. Bennett said the staff will review the costs for adding these streets and bring it back to the Council for their approval.

RECOMMENDATION FROM THE SOLID WASTE COMMITTEE TO DISCONTINUE THE SPRING CLEAN-UP PROGRAM

Michael Dumas, chairperson of the Solid Waste Committee, said the committee is recommending the city eliminate the annual spring clean up program. It was recommended to add equipment at the scale house with a swipe card for residents to use which would create better accounting that material at the landfill is from Lewiston residents. The estimated cost for this equipment is \$20,000 and the estimated savings by eliminating clean up week is \$100,000. Councilors discussed the pros and cons of clean up week, noting there have been abuses that are increasing as area towns eliminate this program. The City Administrator stated this is a policy decision that the Council wants to review carefully and slowly, taking into account such factors

as costs for the program and costs associated if the program is discontinued, abuses of the program, issues with administering the program and so forth. Councilor Theriault noted a major

benefit of eliminating the program is allowing the public works crews to work on spring construction projects earlier. Councilor Bailey stated transportation to the landfill can be difficult.

VOTE (291-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To direct the Solid Waste Committee and city staff to review the various options to spring clean up week considering such factors as curbside pick and abuse issues and to report back to the Council in 45-60 days. Passed - Vote 5-2 (Councilors Dube and Bailey opposed.)

MULTI-PURPOSE CENTER USE AGREEMENT FOR COLISEE PARKING LOT

Councilors stated they were in favor of this agreement and suggested adding a \$1,000 cap to the agreement.

VOTE (292-2008)

Motion by Councilor N. Peters, seconded by Councilor Reed:

To authorize the City Administrator to enter into a Memorandum of Understanding between the Androscoggin Bank Colisée and the City of Lewiston, regarding the use of the Androscoggin Bank Colisée Parking Lot, for patrons and users of the Multi-Purpose Center. Passed - Vote 7-0

REPORTS AND UPDATE

No reports or updates were presented at this meeting.

VOTE (293-2008)

Motion by Councilor Dube, second by Councilor N. Peters:

To continue the meeting beyond the 10pm ending time for an additional ten minutes.
Passed - Vote 7-0

OTHER BUSINESS

Rep. Makas inquired about the CMP upgrade issue and suggested the Council host a workshop or public forum with CMP for residents to have their questions addressed. Councilor Dube said she has heard from residents who are not satisfied with the quality of information and answers they are receiving from CMP about the new transmission lines project. She said she would support a meeting. Councilors will discuss this idea at next week's workshop.

VOTE (294-2008)

Motion by Councilor Reed, second by Councilor Theriault:

To adjourn at 10:20 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine